

taxes. Daily, the Vice President comments on it.

We have had a running debate now for weeks on this issue. We held extensive hearings in the Finance Committee on the issue. We held a markup. We have had extensive debate. Nobody in America has any doubt as to what we are doing in this bill. So my point is that all the reasons we have the Byrd rule, all the reasons that were adequately explained by the Senator from Montana, are good reasons to strike provisions from a reconciliation bill. And that is, if the provisions have not been widely discussed, if the public is not generally aware of them, if there have not been committee hearings and a markup on them, you don't want to give them the special privilege of being in a reconciliation bill. But surely I don't have to make a lengthy argument to convince people that none of those points apply here.

It is true that our Democrat colleagues, using this technicality, can force us to sunset this tax cut in 10 years. They can do it. And in doing so, we have the tax cut for 10 years. Nobody believes the Congress or the American people will just allow them to fall off the end of the Earth in 10 years. It is not the complete undoing of our tax cut if this point of order should be sustained. I don't know that it would be of great practical importance. But I simply say that on an issue that is the No. 1 issue in the country, on an issue that has been extensively debated, on an issue where we held hearings and a markup, on an issue where every American knows the subject is being debated—it is referred to on a minute-by-minute basis on most of the major outlets for news in America—there is no logic to sustaining this point of order.

I really see this as creating instability in the Tax Code. It wasn't our intention to raise a similar point of order against the Democrats' bill. Basically, it seems to me they have a right to propose a permanent tax cut. We could have raised a point of order against such a tax cut if it had been proposed. We would not have done it—basically believing they ought to have a chance to say to the Nation what their vision is. We know their vision. They want to spend this money and they don't want to give it back. It is perfectly legitimate; I just don't agree with it.

I hope our Democrat colleagues will not take this technicality as an opportunity to create a Tax Code that is in effect for 10 years and, at the end of 10 years, it goes away. I think it is unstable. I think it is an irresponsible way of doing it. I don't object. The minority has the right to do this. If we can't get 60 votes, they have every right under the rule to do it. It doesn't undo our tax cut. It is not the end of the world. It certainly makes what we are doing still of great importance.

I argue to those who have not hardened their hearts to a tax cut to allow us to have a permanent tax cut. If you

are not for it, vote against it. We are willing to let you offer a permanent tax cut. So that is really the issue. The Byrd rule technically applies to this provision, but the logic of it does not apply. Therefore, I argue that we should waive the point of order, and that is going to take 60 votes. There are 55 Republicans, so if every Republican voted to waive it, we would have to get five Democrats. My argument is, if you are against the tax cut, great; it is perfectly legitimate to be against it. But don't use a technicality to try to undermine a legitimate proposal, which has been debated extensively, which is known to virtually everybody who hasn't been hiding under a rock for the last 6 months; don't use a provision of law that is really aimed at preventing extraneous material from getting into the bill to undermine basically, at least today and tomorrow, and I think for a long time, the No. 1 issue in the country. I hope our Democrat colleagues who are not just hell-bent against a tax cut will vote to waive this point of order so we don't have the absurdity of adopting a tax cut and have it temporary and have it end in 10 years.

Hopefully, we are going to have an opportunity to improve this during 10 years. I am still for it if it is sunset in 10 years. But I don't think this is good policy, and I urge my colleagues to rise above the politics of the moment and vote for good policy.

I reserve the remainder of our time.

Mr. DASCHLE. Mr. President, I know our side is out of time, so I will use leader time to make a couple of remarks with regard to the vote we are to take.

We all are able to use our rhetorical acrobatics from time to time, but I must say, no one is better at it than the distinguished Senator from Texas as we try to define this set of circumstances.

This is a lot more than a technicality. The Byrd rule is there for a reason. I am glad he subscribes to the Byrd rule, but I must say, this goes way beyond the debate we had in committee and the understanding the American people and even Senators have with regard to what is in the bill. This will give the conference, the Congress, the Senate, everybody, carte blanche all the way through the legislative process until this bill goes to the President's desk. Is that what we want to do?

It would be one thing to waive a point of order and do so on the bill alone. That would be understandable. I might add, in that regard, it wasn't the Democrats who made the point of order; it was the majority leader. The majority leader made his own point of order on this bill. It was the distinguished Chair, the senior Senator from Delaware, who made the motion to waive the point of order. So let's make sure we have our facts straight. No one here made the point of order. They did.

But the point of order is not just on the bill. The point of order is on the

conference report as well. I want somebody to come up and tell me what is going to be in that conference report. There is a huge difference between the Senate version and the House version, even on the Republican side. There are major differences that have to be ironed out and worked out.

Is anyone here today prepared to waive the point of order on a conference agreement for which there has not been one word written, for which there has not been one meeting, for which really there is no understanding or comprehension today? How could we possibly waive a point of order on something we haven't done yet? That is what our Republican colleagues are prepared to do.

I hope we would have better sense than that, that we would recognize how ill-founded it would be and what a terrible precedent it would be for us to waive a point of order on actions to be taken at a later date by a conference we haven't even named.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAU. Will the distinguished chairman yield?

Mr. ROTH. I am happy to yield.

Mr. BREAU. Following up on the Democratic leader's question, when we have passed a bill out of the Finance Committee, the Moynihan bill, the Democratic version, and the Roth version, both for permanent tax cuts, different amounts—ours was \$295 billion, the chairman's was \$792 billion, but they were both permanent tax cuts—I think the point the Democratic leader makes is a good one. I think I could possibly be for waiving the point of order if it was against this bill that we all know about. But to extend that to a conference report when we do not know what is going to be in that bill I think is probably going further than certainly I would be comfortable going.

If it was limited to the bill that is before the Senate where everybody does know what is in it, I could understand that argument. But to say that all points of order against anything that may come back—and who knows what may come back; I have my ideas about what it should be, and others have different opinions. I don't know that we can waive points of order against something we have not yet seen. I was wondering, why does the point of order waiver cover everything that has not yet even been written?

Mr. ROTH. Mr. President, I say to my distinguished colleague, if we do not waive it with respect to the conference report, then we put the conference in a very difficult position. Should it write a bill for 10 years, or should it write one for a permanent tax cut?

Just let me point out that I don't know of a single tax cut taking place since we have had the Budget Act that was not permanent. I don't think there is a single person in the Finance Committee or on the floor who thought